

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:

) *United States ex rel. Ven-A-Care*
) *of the Florida Keys, Inc., v.*
) *Baxter Healthcare Corporation and*
) *Baxter International, Inc.*

) Judge Patti B. Saris

) *Case No. 10-CV-11186-PBS*
)

**DEFENDANT BAXTER HEALTHCARE CORPORATION'S
REQUEST FOR A TWO WEEK EXTENSION OF TIME TO RESPOND TO THE
MOTION OF LINNETTE SUN AND GREG HAMILTON TO REOPEN THE
JUDGMENT AND FOR A HEARING**

Defendant Baxter Healthcare Corporation ("Baxter"), through counsel, respectfully requests a two-week extension of time – to and including October 5, 2012 – to respond to the Motion of Linnette Sun and Greg Hamilton to Reopen the Judgment and For a Hearing.

On September 7, 2012, relators Sun and Hamilton filed their motion to reopen the judgment in the *United States ex rel. Ven-A-Care of the Florida Keys, Inc., v. Baxter Healthcare Corporation and Baxter International, Inc.* Baxter's response to the motion is due September 21, 2012. We have contacted counsel for Sun/Hamilton, Ven-A-Care¹ and the government regarding this request, and all counsel consent to the two week extension.

¹ All parties also consent to the same two week extension of time for Ven-A-Care to respond to the motion to reopen.

Wherefore, Baxter respectfully requests that this Court grant this motion extending the date for responses to relators' motion to and including October 5, 2012.

Dated: September 19, 2012

Respectfully submitted,

/s/ Merle M. DeLancey

J. Andrew Jackson

Merle M. DeLancey

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CERTIFICATE OF SERVICE

I hereby certify that I, Merle DeLancey, an attorney, caused a true and correct copy of the foregoing, DEFENDANT BAXTER HEALTHCARE CORPORATION'S REQUEST FOR A TWO WEEK EXTENSION OF TIME TO RESPOND TO THE MOTION OF LINNETTE SUN AND GREG HAMILTON TO REOPEN THE JUDGMENT AND FOR A HEARING, to be delivered to all counsel of record by electronic service via ECF, on SEPTEMBER 19, 2012, for posting and notification to all parties.

/s/ Merle M. DeLancey

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(PROPOSED) ORDER

For the reasons set forth in Defendant Baxter Healthcare Corporation's Motion For A Two Week Extension of Time To Respond To The Motion Of Linnette Sun And Greg Hamilton To Reopen The Judgment And For A Hearing, it is ORDERED:

Defendant Baxter Healthcare Corporation and Ven-A-Care shall respond to The Motion Of Linnette Sun And Greg Hamilton To Reopen The Judgment And For A Hearing on or before October 5, 2012.

Hon. Patti B. Saris
U.S. District Court Judge